IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 22036 of 2006(W)

PETITIONER:

DR.K.VIJAYAKUMARAN NAIR,
SELECTION GRADE LECTURER,
DEPT. OF ZOOLOGY,
MAR IVANIOS COLLEGE, THIRUVANANTHAPURAM.

BY ADV. SRI.S.MOHANDAS

RESPONDENTS:

---

1. STATE OF KERALA,
REP. BY PRINCIPAL SECRETARY TO GOVT.,
HIGHER EDUCATION DEPT.,
THIRUVANANTHAPURAM.

2. DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION,
KOLLAM.

3. PRINCIPAL,
MAR IVAMIOS COLLEGE,
NALANCHIRA, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SMT. M.R. SREELATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 22036/2006.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : A COPY OF ORDER DT. 13.5.2005 ISSUED BY THE KERALA UNIVERSITY.

EXT. P2 : A COPY OF G.O.(P) NO.171/99/H.EDN. DT. 21.12.1999 (RELEVANT PORTION ONLY).

EXT. P3 : A COPY OF LETTER NO,F1/UGC/10273/05 DT. 3.3. 06.

EXT. P4 : A COPY OF JUDGMENT DATED 19.1.2005 IN WPC 3241/2004.

RESPONDENTS'S EXTS:

EXT. R2(a) : A TRUE COPY OF THE RELEVANT PORTION OF ORDER NO.G.O. (P) 79/90/H.EDN. DATED 27.3.90.

K.M.JOSEPH, J.

- -

WP.(C) No.22036 OF 2006

- -

Dated this the 12th day of December, 2006

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner started his career as Lecturer on 15.9.1980. He was granted senior/selection grade from 27.7.1998, which entitles him to get the benefit of two advance increments (Ext.P1). Ext.P2 is the order of the Government evidencing adopting and implementation of UGC Scheme. Petitioner relies on item 6.18 of Ext.P2, which reads as follows:

> "A Lecturer with Ph.D will be eligible for two advance increments when he/she moves into Selection Grade."

According to the petitioner, he ought to have been given advance increment, which has not been given so far. He filed representation. Ext.P3 is the reply to the representation, wherein it is stated that no general orders have been issued for the grant of advance increments to those who have acquired Ph.D before 1.1.1996 and the UGC has preferred appeal and the proposal is returned and rejected. Petitioner

challenges Ext.P3 and seeks a direction to the second respondent to sanction two advance increments to the petitioner. Counsel for the petitioner relied on a judgment of this court in W.A. 1044 of 2005 and connected cases.

2. Heard learned Government Pleader also. The second respondent filed a counter affidavit. In the counter affidavit the contention appears to be slightly different. Reference is made to the fact that petitioner was given relaxation in terms of the earlier UGC Scheme.

3. I feel that in the light of the judgment of this court in W.A. 1044 of 2005 and connected cases, the matter has to be reconsidered.

Accordingly, Ext.P3 is quashed, so that a fresh order can be passed bearing in mind the judgment in W.A. 1044 of 2005 and connected cases, and pass fresh orders within a period of two months from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

sb

K.M.JOSEPH, JJ.

- - - - - - - - -- -

W.A. No. OF

- -- - - - - - - - - - - - - - -

JUDGMENT

Dated this the day of February, 2006.